

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CRAIG CARRINGTON,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. CR89-88RJB

ORDER DENYING PETITION TO
MODIFY OR REMIT FINE

This matter comes before the court on the above-referenced petition (Dkt. 276). No response has been filed. The court is familiar with the records and files herein. For the following reasons, the petition should be denied.

The fine in this matter was set by the court at sentencing and in the judgment and commitment entered on October 24, 1990. The fine was a penalty and not a condition of supervised release. As such, the court has no jurisdiction to remit or reduce the fine. *United States v. Morales*, 328 F.3d 1202 (9th Cir. 2003).

The court notes that payment on the fine or payment of the fine is not a condition of supervised release under the 1989 Guidelines which were in effect at the time of sentencing.

1 For the foregoing reasons, the Petition to Modify or Remit Fine must be DENIED.

2 IT IS SO ORDERED.

3 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
4 to any party appearing *pro se* at said party's last known address.

5 Dated this 24th day of January, 2013.

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8 ROBERT J. BRYAN
9 United States District Judge
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